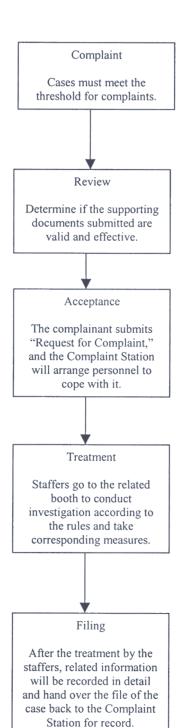
PTO 2006-4658

Chinese Export Commodities Fair Flow Process for Acceptance and Treatment of Patent Infringement Disputes



Threshold for Complaints

- 1. Complainant: 1) patent holders, persons that have been authorized under the Contract regarding the Performance of Patents, legitimate successor or agents of patents; 2) persons attending this Fair with valid papers.
- 2. Documents Submitted: 1) patent certificate (photocopy and original must be found to be consistent); patent announcement instrument; 2) identification of the patent holder or industrial and commercial registration paper (photocopy and original must be found to be consistent); 3) power of attorney and identification of the agent; 4) legal status certificate for the patent (copy of the registry of patent or search evidence provided by the Patent Information Centre); 5) in cases of Contract regarding the Performance of Patents, the contracts and the identification paper of the authorized person must be provided; 6) related supporting documents of the legitimate successor of patents.

Treatment

- 1. The person that has been complained against must submit to the staffers legitimate and valid evidence and supporting documents to prove non-infringement; otherwise, staffers may request the person that has been complained against to withdraw the articles on display suspected of infringement after ascertaining suspected infringement upon investigation and evidence-gathering; the person that has been complained against must immediately sign a "Letter of Commitment," promising to stop displaying and engaging in the suspected infringement articles during this Fair.
- 2. In case of disputes with respect to the decisions taken by the Complaint Station, the person that has been complained against may, within one working day (time schedule of this Fair shall be observed), supply additional evidence of non-infringement with the Complaint Station. If the evidence is deemed valid, the Complaint Station will allow the person to continue the display; if deemed invalid or failure to supply additional evidence or to do so within the timeframe, the Complaint Station will temporarily detain the article on display that has been ordered to withdraw voluntarily.